

# **Exhibit B**

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

KIMBERLY L. COX,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO.
	)	
MEGAN J. BRENNAN,	)	2:14-CV-00810-JRG-RSP
POSTMASTER GENERAL OF THE	)	
UNITED STATE, U.S. POSTAL	)	
SERVICES,	)	
	)	
Defendant.	)	

ORAL AND VIDEOTAPED DEPOSITION OF CYNTHIA FREEMAN

DECEMBER 1, 2016

ORAL AND VIDEOTAPED DEPOSITION OF CYNTHIA FREEMAN, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on December 1, 2016, at 2:08 p.m. to 3:51 p.m., before Brenda Hightower Smith, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the U.S. Attorney's Office, 110 North College, Suite 700, Tyler, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

It is also agreed by all parties present that Federal Rule 30(b)(5) is waived.

Page 2	Page 4
<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFF:</p> <p>3 MS. REBECCA L. FISHER</p> <p>4 ATTORNEY AT LAW</p> <p>5 618 SW Military Drive</p> <p>6 P.O. Box 781369</p> <p>7 San Antonio, Texas 78278</p> <p>8 210.988.2977 (phone)</p> <p>9 rebeccafisherlaw@gmail.com (e-mail)</p> <p>10</p> <p>11 FOR THE DEFENDANT:</p> <p>12 MR. BRADLEY VISOSKY</p> <p>13 U.S. DEPARTMENT OF JUSTICE</p> <p>14 UNITED STATES ATTORNEY'S OFFICE</p> <p>15 Assistant United States Attorney</p> <p>16 Eastern District of Texas</p> <p>17 101 East Park Boulevard, Suite 500</p> <p>18 Plano, Texas 75074</p> <p>19 972.509.1201 (phone)</p> <p>20 bradley.visosky@usdoj.gov (e-mail)</p> <p>21 - and -</p> <p>22 MS. THERESA M. GEGAN</p> <p>23 U.S. POSTAL SERVICE</p> <p>24 SOUTHERN AREA LAW OFFICE</p> <p>25 P. O. Box 227078</p> <p>Dallas, Texas 75222-7078</p> <p>214.252.6178 (phone)</p> <p>theresa.m.gegen@usps.gov (e-mail)</p> <p>ALSO PRESENT:</p> <p>TAMRA FISHER</p> <p>KIMBERLY COX</p> <p>VIDEOGRAPHER:</p> <p>JEFF MILLER</p>	<p>1 PROCEEDINGS</p> <p>2 THE COURT REPORTER: What agreements do</p> <p>3 you want to take this under?</p> <p>4 MR. VISOSKY: Under the Federal Rules.</p> <p>09:08:55 5 MS. FISHER: Yeah.</p> <p>09:08:58 6 THE COURT REPORTER: I'll ask about</p> <p>09:09:00 7 signature at the end of the deposition.</p> <p>14:08:15 8 THE VIDEOGRAPHER: We are on the record</p> <p>14:08:16 9 to begin the video recorded deposition of Cynthia</p> <p>14:08:19 10 Freeman in the matter of Kimberly L. Cox vs. Megan</p> <p>14:08:23 11 Brennan. Today is Thursday, December 1st, 2016, and the</p> <p>14:08:27 12 time is approximately 2:08 p.m.</p> <p>14:08:30 13 This case is filed in the United States</p> <p>14:08:32 14 Federal Court for the Eastern District of Texas under</p> <p>14:08:35 15 Cause No. 2:14-cv-00810-JRG-RSP. And the location is</p> <p>14:08:43 16 the office of the United States Attorney at 110 North</p> <p>14:08:46 17 College Avenue in Tyler, Texas.</p> <p>14:08:48 18 The court reporter is Brenda Smith and</p> <p>14:08:49 19 the videographer is Jeff Miller.</p> <p>14:08:53 20 And for the record, will counsel present</p> <p>14:08:55 21 please identify yourselves and who you represent; and</p> <p>14:08:57 22 after which, the court reporter will swear in the</p> <p>14:08:59 23 witness.</p> <p>14:09:00 24 MS. FISHER: Rebecca Fisher representing</p> <p>14:09:02 25 the Plaintiff.</p>
Page 3	Page 5
<p>1 INDEX</p> <p>2 PAGE</p> <p>3 Appearances..... 2</p> <p>4 Exhibit Index..... 3</p> <p>5 Stipulations..... 4</p> <p>6 CYNTHIA FREEMAN, the witness,</p> <p>7 Examination by Ms. Fisher ..... 5</p> <p>8 Examination by Mr. Visosky ..... 52</p> <p>9 Further Examination by Ms. Fisher ..... 64</p> <p>10 Further Examination by Mr. Visosky ..... 75</p> <p>11 Correction and Signature Page..... 77</p> <p>12 Reporter's Certificate..... 79</p> <p>13</p> <p>14 EXHIBITS</p> <p>15 NO. DESCRIPTION PAGE</p> <p>16 Exhibit 1</p> <p>17 Informal A Meeting notes dated 10-23-12 .. 29</p> <p>18 Exhibit 2</p> <p>19 E-mail dated October 4, 2013 from</p> <p>20 Cynthia Freeman to Harold Bennett ..... 48</p> <p>21</p> <p>22 Ellipses are used only to show that an answer has</p> <p>23 trailed off and not been interrupted.</p> <p>24 Quotation marks are not meant to be interpreted as</p> <p>25 direct quotes.</p> <p>Uh-huh = yes, affirmative</p> <p>Huh-uh = no, negative</p>	<p>14:09:02 1 MR. VISOSKY: Bradley Visosky</p> <p>14:09:04 2 representing the Defendant Megan Brennan.</p> <p>14:09:09 3 MS. GEGEN: Theresa Gegen for the Postal</p> <p>14:09:09 4 Service.</p> <p>09:09:32 5</p> <p>09:09:32 6 CYNTHIA FREEMAN,</p> <p>09:09:32 7 having first been duly sworn, testified under oath as</p> <p>09:09:32 8 follows:</p> <p>09:09:32 9</p> <p>09:09:32 10 EXAMINATION</p> <p>09:09:32 11 BY MS. FISHER:</p> <p>14:09:25 12 Q. Ma'am, would you please state your full name</p> <p>14:09:27 13 for the record.</p> <p>14:09:28 14 A. Cynthia Howard Freeman.</p> <p>14:09:31 15 Q. Okay. Mrs. Freeman, my name is Rebecca</p> <p>14:09:34 16 Fisher, and I represent Mrs. Kimberly Cox in this case.</p> <p>14:09:37 17 And I know we have not met before, have we,</p> <p>14:09:39 18 ma'am?</p> <p>14:09:40 19 A. No, ma'am.</p> <p>14:09:40 20 Q. And I do want to tell you thank you for being</p> <p>14:09:42 21 present today. I do thank you for coming in. Okay?</p> <p>14:09:46 22 A. Okay.</p> <p>14:09:46 23 Q. And now when -- have you ever been deposed</p> <p>14:09:48 24 before? Let me ask you that.</p> <p>14:09:51 25 A. No.</p>

<p style="text-align: right;">Page 34</p> <p>14:42:25 1 Q. Okay. But you were given questions that you</p> <p>14:42:28 2 answered; am I correct?</p> <p>14:42:30 3 A. Yes.</p> <p>14:42:30 4 Q. Okay. And is it your testimony that even then</p> <p>14:42:34 5 you were not aware that there was a claim of</p> <p>14:42:37 6 discrimination?</p> <p>14:42:38 7 A. I -- I was on leave or something at that time.</p> <p>14:42:42 8 Q. Uh-huh.</p> <p>14:42:43 9 A. And FLSA, I wasn't fixing to violate nothing.</p> <p>14:42:49 10 So yes, Joe tried to give me her EEO, and I refused it</p> <p>14:42:53 11 because I wasn't on the clock.</p> <p>14:42:55 12 Q. Okay. And did he at that point -- when you</p> <p>14:42:57 13 say Joe, that's Postmaster McQuiston?</p> <p>14:42:59 14 A. Yes. Yes. I'm sorry.</p> <p>14:43:02 15 Q. I just wanted to make sure. That's for the</p> <p>14:43:04 16 record.</p> <p>14:43:06 17 Did he at that point say, hey, you really need</p> <p>14:43:08 18 to look at this; she has an accusation that your</p> <p>14:43:12 19 treatment of the white females is discriminatory?</p> <p>14:43:15 20 A. No, ma'am.</p> <p>14:43:16 21 Q. So not only did he not discuss it prior to her</p> <p>14:43:18 22 termination -- well, let me -- let me ask this first</p> <p>14:43:23 23 before I go there, Mrs. Freeman.</p> <p>14:43:25 24 Let's say, okay, we've had up to Mrs. Cox's</p> <p>14:43:30 25 termination.</p>	<p style="text-align: right;">Page 36</p> <p>14:44:43 1 way than their counterparts?</p> <p>14:44:47 2 A. Let me say, I hear you saying had I had to</p> <p>14:44:54 3 answer to an allegation, what would have been my</p> <p>14:44:57 4 response?</p> <p>14:44:58 5 Q. Yes.</p> <p>14:44:59 6 A. My response at that time would have been, who</p> <p>14:45:02 7 and let's talk about it. Because number one, if I'm not</p> <p>14:45:08 8 aware, then I have no response. But once I'm made aware</p> <p>14:45:13 9 and how a person feel, then I can respond. You see what</p> <p>14:45:17 10 I'm saying?</p> <p>14:45:18 11 Q. I understand what you're saying. And</p> <p>14:45:20 12 basically -- I'm making sure I'm getting this correct,</p> <p>14:45:24 13 Mrs. Freeman.</p> <p>14:45:31 14 What you're saying is if you had become aware</p> <p>14:45:34 15 that there may have been a view by those on the floor</p> <p>14:45:37 16 that there was something discriminatory, unfair, --</p> <p>14:45:41 17 A. Yes, ma'am.</p> <p>14:45:41 18 Q. -- if you had been aware of that, are you</p> <p>14:45:44 19 saying you would have looked at that and seen what was</p> <p>14:45:47 20 going on?</p> <p>14:45:48 21 A. Yes, ma'am.</p> <p>14:45:49 22 Q. Maybe you could even have changed how you were</p> <p>14:45:52 23 acting if you looked at it and said, well, maybe I need</p> <p>14:45:55 24 to tweak that a little bit?</p> <p>14:45:57 25 MS. FISHER: Object to form.</p>
<p style="text-align: right;">Page 35</p> <p>14:43:30 1 A. Okay.</p> <p>14:43:31 2 Q. And she's now terminated.</p> <p>14:43:33 3 A. Okay.</p> <p>14:43:33 4 Q. And during the period that she's out of</p> <p>14:43:36 5 work -- let me make sure I've got that clear on the</p> <p>14:43:39 6 record.</p> <p>14:43:40 7 During the period she's out of work before she</p> <p>14:43:42 8 returns to work, did Postmaster McQuiston ever discuss</p> <p>14:43:45 9 with you a complaint of discrimination that concerned</p> <p>14:43:48 10 yourself?</p> <p>14:43:49 11 A. No, ma'am.</p> <p>14:43:49 12 Q. Okay. Now, when Mrs. Cox came back to work in</p> <p>14:43:53 13 April of 2013, --</p> <p>14:43:54 14 A. Okay.</p> <p>14:43:55 15 Q. -- did Mr. -- or did Postmaster McQuiston at</p> <p>14:44:00 16 that point forward ever come to you and say, there's an</p> <p>14:44:04 17 allegation that you are treating the white females on</p> <p>14:44:07 18 the workroom floor discriminatorily?</p> <p>14:44:10 19 A. No, ma'am.</p> <p>14:44:11 20 Q. Okay. And once again, no investigation was</p> <p>14:44:13 21 ever --</p> <p>14:44:14 22 A. None whatsoever, to my knowledge.</p> <p>14:44:16 23 Q. Okay. Mrs. Freeman, what would be your</p> <p>14:44:28 24 response to the allegation that you treated the white</p> <p>14:44:37 25 females on that workroom floor in a much less favorable</p>	<p style="text-align: right;">Page 37</p> <p>14:46:00 1 Q. (By Ms. Fisher) You understand my question?</p> <p>14:46:02 2 A. I understand. My theory in dealing with</p> <p>14:46:04 3 people --</p> <p>14:46:05 4 Q. Uh-huh.</p> <p>14:46:05 5 A. -- with my equal opportunity training is, when</p> <p>14:46:08 6 you can meet a person at they point of need what they</p> <p>14:46:12 7 might perceive is correct in their mind --</p> <p>14:46:14 8 Q. Right.</p> <p>14:46:14 9 A. -- because they're perceiving it, --</p> <p>14:46:16 10 Q. Yes.</p> <p>14:46:16 11 A. -- there might have been a time when I might</p> <p>14:46:18 12 have needed that. There might have been a time when we</p> <p>14:46:21 13 could have came to an agreement that we both needed</p> <p>14:46:24 14 that. But unless it's addressed, we can't address it.</p> <p>14:46:27 15 Q. Okay. Have you yourself ever filed an EEO,</p> <p>14:46:33 16 Mrs. Freeman?</p> <p>14:46:33 17 A. Yes, ma'am.</p> <p>14:46:34 18 Q. Okay. How many times have you filed one?</p> <p>14:46:36 19 A. Once in my whole career out of 35 years.</p> <p>14:46:39 20 Q. And when in the -- in your postal career did</p> <p>14:46:45 21 that occur, ma'am?</p> <p>14:46:46 22 A. That happened right before my retirement.</p> <p>14:46:50 23 Q. Who did you file against?</p> <p>14:46:52 24 A. Joe McQuiston.</p> <p>14:46:53 25 Q. And what were your purviews?</p>

<p style="text-align: right;">Page 38</p> <p>14:46:56 1 A. It was that I was being mistreated as  14:47:03 2 management and not being able to perform my duties  14:47:06 3 because of the treatment.  14:47:07 4 Q. Now, did you put that to the fact that you're  14:47:11 5 a woman, your age, your race? What -- what did you  14:47:16 6 apply the mistreatment to?  14:47:19 7 A. I think I covered my age and my race, and I  14:47:27 8 might even throwed in my religion.  14:47:31 9 Q. Okay.  14:47:32 10 A. Right now, I don't know. But I know I did do  14:47:35 11 age and my race.  14:47:36 12 Q. And why did you believe that it was race with  14:47:39 13 Joe McQuiston?  14:47:40 14 A. Because of the things that was happening that  14:47:43 15 didn't have to happen.  14:47:44 16 Q. Okay. Can you --  14:47:46 17 A. And that's personal stuff that I do not wish  14:47:48 18 to discuss.  14:47:50 19 Q. I understand that. But I need to understand  14:47:53 20 what happened and why you think that Joe McQuiston  14:47:59 21 discriminated against you because of your race.  14:48:02 22 A. Well, let me -- let me just keep it to this  14:48:07 23 case. Can we do that?  14:48:09 24 Q. I'm sorry, ma'am, but I need to understand why  14:48:12 25 you thought it was race with Joe McQuiston. I am sorry,</p>	<p style="text-align: right;">Page 40</p> <p>14:49:37 1 sorry --  14:49:39 2 THE WITNESS: Sure.  14:49:39 3 MR. VISOSKY: -- to both of you for  14:49:40 4 interpreting.  14:49:40 5 But is your EEO case closed or is it  14:49:43 6 still open?  14:49:45 7 THE WITNESS: Mine is closed.  14:49:47 8 MR. VISOSKY: Okay. I just wanted to  14:49:48 9 make sure she wasn't --  14:49:50 10 THE WITNESS: Violating something?  14:49:52 11 MR. VISOSKY: Well, just to protect --  14:49:52 12 since you don't have --  14:49:52 13 THE WITNESS: Yeah.  14:49:52 14 MR. VISOSKY: -- representation here for  14:49:52 15 your case.  14:49:54 16 THE WITNESS: No, no. Mine is closed.  14:49:54 17 MR. VISOSKY: Okay.  14:49:55 18 Q. (By Ms. Fisher) Go ahead, ma'am.  14:49:56 19 A. In mine -- in one instance that I can point to  14:49:59 20 is when you have an employee that come to you --  14:50:20 21 Q. Yes.  14:50:21 22 A. -- and tell you that the KKK is recruiting on  14:50:26 23 they route and the Postmaster does nothing about it, I  14:50:31 24 have a issue with that, being black.  14:50:36 25 Q. I can understand that, Mrs. Freeman.</p>
<p style="text-align: right;">Page 39</p> <p>14:48:16 1 but our case does involve a race allegation. And I  14:48:20 2 don't want something to come out later I don't know  14:48:23 3 about.  14:48:24 4 A. Okay. My -- mine was based on not being able  14:48:28 5 to do my job properly because I hadn't been trained  14:48:32 6 properly.  14:48:37 7 Q. In other words, you -- did -- is your  14:48:40 8 assertion that you were set up to fail?  14:48:42 9 A. Yes.  14:48:44 10 Q. And did you believe that that was the  14:48:50 11 responsibility of your Postmaster?  14:48:51 12 A. To train me properly? Yes, ma'am.  14:48:54 13 Q. Okay. Did Postmaster McQuiston ever say  14:49:00 14 anything to you that was derogatory regarding race?  14:49:10 15 A. No.  14:49:12 16 Q. Okay. And sometimes there are very blatant  14:49:18 17 racial things that can be said; and sometimes there's  14:49:22 18 very subtle racial things --  14:49:24 19 A. Uh-huh.  14:49:24 20 Q. -- that can be said or done.  14:49:28 21 A. Uh-huh.  14:49:28 22 Q. Did anything come to mind?  14:49:30 23 A. Yes. The one incident that comes to mind --  14:49:33 24 MS. FISHER: Rebecca, I'm -- I just want  14:49:35 25 to raise something real quick. And I'm sorry -- I'm</p>	<p style="text-align: right;">Page 41</p> <p>14:50:43 1 Did you report that to Postmaster McQuiston?  14:50:45 2 A. Yes.  14:50:46 3 Q. And what was his response?  14:50:49 4 A. That he didn't believe it. It was no big  14:50:53 5 deal.  14:50:57 6 Q. Was there anything else that you can think of  14:50:59 7 at this time?  14:51:02 8 A. No. Other than just being right mean, no.  14:51:05 9 THE COURT REPORTER: Did you say "right  14:51:05 10 mean"?  14:51:05 11 THE WITNESS: Right mean.  14:51:05 12 THE COURT REPORTER: Thank you.  14:51:08 13 Q. (By Ms. Fisher) And how old are you,  14:51:14 14 Mrs. Freeman?  14:51:21 15 A. I'm 61.  14:51:22 16 Q. Okay. So old enough to have seen some of the  14:51:25 17 civil rights actions?  14:51:27 18 A. Yes.  14:51:33 19 Q. What was the final resolution of that EEO,  14:51:35 20 Mrs. Freeman?  14:51:38 21 A. To pay me my sick leave according to the  14:51:47 22 Family Medical Leave Act, to stop denying my retirement  14:51:51 23 papers, and just let me go.  14:51:55 24 Q. When you say denying your retirement papers,  14:51:57 25 were you having trouble getting your retirement</p>

<p style="text-align: right;">Page 54</p> <p>15:22:55 1 Q. Would you treat an employee differently  15:22:57 2 because of their gender?  15:22:59 3 A. No.  15:23:04 4 Q. Did you treat Kim Cox any differently because  15:23:09 5 she was a white female as opposed to a black female or a  15:23:12 6 white man?  15:23:13 7 A. No.  15:23:14 8 Q. If another employee of whatever race, I mean,  15:23:18 9 you name it --  15:23:19 10 A. Uh-huh.  15:23:19 11 Q. -- black man, Hispanic female, whatever -- had  15:23:25 12 done the things that Kim Cox had done -- and by that I  15:23:29 13 mean just substitute Kim Cox and the other raced  15:23:35 14 employee, you know, a black man, a white -- a white man,  15:23:43 15 whatever --  15:23:43 16 A. Okay.  15:23:44 17 Q. -- had acted the same way that Kim Cox had  15:23:47 18 done --  15:23:48 19 I'm sorry, let me -- let me -- let me rephrase  15:23:52 20 that.  15:23:57 21 If someone of a -- if an employee of a  15:24:00 22 different gender and race than Kim Cox had done the  15:24:03 23 exact same thing, been the same type of employee, done  15:24:07 24 the same type of work that Kim Cox did during your time  15:24:11 25 as her supervisor, would you have treated that employee</p>	<p style="text-align: right;">Page 56</p> <p>15:25:39 1 same way that you treat other employees? Did she ever  15:25:43 2 once come to you and tell you that?  15:25:44 3 A. No.  15:25:58 4 Q. When Ms. Fisher was questioning you, you had  15:26:03 5 spoken about your EEO case --  15:26:05 6 A. Uh-huh.  15:26:05 7 Q. -- involving Mr. McQuiston?  15:26:08 8 A. Uh-huh.  15:26:08 9 Q. Do you recall that?  15:26:11 10 I just want to talk about the term  15:26:13 11 "retaliation."  15:26:14 12 A. Okay.  15:26:15 13 Q. And for purposes -- for our purposes right  15:26:18 14 now, I'm going to define that as when an employee  15:26:22 15 engages in a protected activity.  15:26:24 16 Like for example, if an employee files an EEO  15:26:27 17 case, I mean the law says if you file an EEO case,  15:26:31 18 engage in protected activity, management and employer  15:26:36 19 can't retaliate or punish --  15:26:39 20 A. Uh-huh.  15:26:40 21 Q. -- that employee for engaging in EEO activity.  15:26:43 22 A. Right.  15:26:43 23 Q. Based on your experience with Mr. McQuiston,  15:26:49 24 did he have the propensity to retaliate against  15:26:55 25 employees for engaging in protected activity as I've</p>
<p style="text-align: right;">Page 55</p> <p>15:24:15 1 any differently than you treated Kim Cox?  15:24:18 2 A. No. I think one of the things that we're  15:24:20 3 finding here is the system that the Post Office has set  15:24:26 4 up is that XYZ said you can do this in XYZ time. If you  15:24:34 5 do it past that time, my job is to question why so that  15:24:38 6 I can make a decision at that time to go in the system  15:24:42 7 to approve it because of something that might occurred  15:24:45 8 during the carrying of the mail that I was not aware of.  15:24:49 9 You could have had an accident somewhere. You  15:24:52 10 could have had traffic backed up that was blocking  15:24:55 11 certain things. And at that point, it's going to cause  15:24:58 12 you to be delayed. Then I have to go in the system and  15:25:01 13 approve that time. And then the next morning during a  15:25:04 14 conference call, I have to explain why.  15:25:06 15 So any time I approached Mrs. Cox, it was  15:25:09 16 doing something job related. It wasn't personal.  15:25:12 17 Q. Right.  15:25:13 18 And -- and was it -- any of your actions that  15:25:15 19 you took with respect to Mrs. Cox, were those actions  15:25:18 20 that you took done because of her race or gender?  15:25:21 21 A. No.  15:25:24 22 Q. Did Mrs. Cox when you were her supervisor, did  15:25:27 23 she ever come to you and tell you, Mrs. Freeman, you're  15:25:31 24 not treating me well because of my -- because I'm white  15:25:35 25 or because I'm a white female; you don't treat me the</p>	<p style="text-align: right;">Page 57</p> <p>15:26:59 1 just defined it?  15:27:03 2 A. What I'm hearing you say, and let me make  15:27:06 3 sure, you're asking me if he had the fortitude to  15:27:11 4 retaliate against somebody because somebody said  15:27:14 5 something that he didn't agree with? Am I hearing that?  15:27:18 6 Q. No. Let -- let me ask you: Say an employee  15:27:21 7 files an EEO case.  15:27:23 8 A. Okay.  15:27:25 9 Q. Is he the type of person if he -- if he finds  15:27:29 10 out that that employee filed an EEO case, is he the type  15:27:32 11 of person based on your experience and understanding  15:27:34 12 that would punish that employee for filing the EEO case?  15:27:38 13 A. No. No.  15:27:40 14 For the thing that I didn't go into and I was  15:27:43 15 speaking on my behalf only, nothing else, was the fact  15:27:48 16 that my area of responsibility was not performed to the  15:27:55 17 best of my ability because the limitations that were put  15:27:59 18 on me in that office.  15:28:03 19 It was not my job to go to the floor to  15:28:06 20 badmouth Mr. McQuiston, like I would never badmouth any  15:28:11 21 employee with another employee. That's not my make-up.  15:28:14 22 So even though I'm going through my own personal trials,  15:28:17 23 they was not aware of it because I refused to talk about  15:28:20 24 it.  15:28:20 25 So when I was speaking, I was speaking on my</p>

Page 74	Page 76
<p>15:47:05 1 And that I did when I was in Flint only</p> <p>15:47:09 2 because you didn't have people to carry the mail and it</p> <p>15:47:11 3 was a rural route. So that part.</p> <p>15:47:13 4 But to say me walking the streets and carrying</p> <p>15:47:16 5 mail like they do, the city carriers, no, ma'am.</p> <p>15:47:19 6 Q. Okay. Now, I just want to make sure and</p> <p>15:47:23 7 verify on -- on the purposes of the record, that by your</p> <p>15:47:28 8 personal observations, you did feel as though Joe</p> <p>15:47:32 9 McQuiston had retaliated against you?</p> <p>15:47:36 10 MR. VISOSKY: Object to form.</p> <p>15:47:38 11 A. I feel that he was being mean and spiteful</p> <p>15:47:41 12 knowing he had to do what he was not wanting to do</p> <p>15:47:45 13 anyhow. And I could wait him out.</p> <p>15:47:49 14 Q. (By Ms. Fisher) Okay.</p> <p>15:47:50 15 A. Most people in the Post Office can't wait him</p> <p>15:47:53 16 out. But I wasn't set up like that. I was getting</p> <p>15:47:55 17 ready to retire, so three months of pay didn't affect me</p> <p>15:47:59 18 as worse as it would have somebody else.</p> <p>15:48:02 19 My thing was just get the paperwork ball and</p> <p>15:48:05 20 go, and let me get the heck out of here. The Post</p> <p>15:48:08 21 Office has been good to me. And I would hate for</p> <p>15:48:12 22 anything to scar that.</p> <p>15:48:14 23 Q. In other words, you don't have any ault</p> <p>15:48:14 24 (spelled phonetically) against the United States Postal</p> <p>15:48:17 25 Service?</p>	<p>15:49:10 1 move on. And that was my outlook on stuff. Hey, just</p> <p>15:49:13 2 move on. It's not that serious.</p> <p>15:49:16 3 MR. VISOSKY: Thank you, Mrs. Freeman.</p> <p>15:49:18 4 MS. FISHER: Thank you, Mrs. Freeman.</p> <p>15:49:20 5 THE WITNESS: Is that it?</p> <p>15:49:21 6 MS. FISHER: I think that's it.</p> <p>15:49:23 7 Don't forget your mic.</p> <p>15:49:23 8 THE WITNESS: Okay. I'm going to leave</p> <p>15:49:23 9 the mic.</p> <p>15:49:23 10 (Discussion off the record.)</p> <p>15:49:28 11 THE VIDEOGRAPHER: We're off the record</p> <p>15:49:29 12 at 3:49, and that concludes the deposition.</p> <p>15:49:43 13 THE COURT REPORTER: What do y'all want</p> <p>15:49:44 14 to do about signature?</p> <p>15:49:51 15 MS. FISHER: Mrs. Freeman, you have the</p> <p>15:49:52 16 right to read this deposition and to make corrections.</p> <p>15:49:56 17 Do you want the deposition sent straight to you to do</p> <p>15:50:00 18 that, or how do you want to do that?</p> <p>15:50:03 19 THE WITNESS: That's fine. Send it to</p> <p>15:50:03 20 105 East 25th Street, Tyler, Texas 75702-2112.</p> <p>15:51:19 21 (Proceedings concluded at 3:51 p.m.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 75	Page 77
<p>15:48:17 1 A. No. They've been good to me and my family.</p> <p>15:48:20 2 Q. Okay. Well, I understand that. And I thank</p> <p>15:48:21 3 you for your time.</p> <p>15:48:22 4 A. Thank you.</p> <p>15:48:24 5 MS. FISHER: Pass the witness.</p> <p>15:48:24 6 MR. VISOSKY: Just one thing.</p> <p>15:48:24 7 FURTHER EXAMINATION</p> <p>15:48:24 8 BY MR. VISOSKY:</p> <p>15:48:25 9 Q. We talked earlier about the decisions that --</p> <p>15:48:27 10 that you would make with respect to -- well, let me just</p> <p>15:48:30 11 ask it this way.</p> <p>15:48:30 12 It --</p> <p>15:48:31 13 MR. VISOSKY: Scratch that.</p> <p>15:48:33 14 Q. (By Mr. Visosky) If you knew that an employee</p> <p>15:48:34 15 had filed an EEO complaint, say a carrier had filed an</p> <p>15:48:38 16 EEO complaint complaining about you, and you became</p> <p>15:48:40 17 aware that they filed that EEO complaint and it was</p> <p>15:48:43 18 resolved and that employee came back to work, would you</p> <p>15:48:46 19 hold that against them or punish them in any way because</p> <p>15:48:50 20 they had filed that EEO complaint?</p> <p>15:48:52 21 A. No. My training through EEO from when I first</p> <p>15:48:56 22 came in the Post Office where they actually sent you to</p> <p>15:48:59 23 school for this, was that you can disagree and agree to</p> <p>15:49:04 24 disagree and your third party is going to be the one</p> <p>15:49:07 25 that's going to be the final decision, and everybody</p>	<p>15:51:19 1 CHANGES AND SIGNATURE</p> <p>15:51:19 2</p> <p>15:51:19 3 WITNESS: CYNTHIA FREEMAN</p> <p>15:51:19 4 DATE OF DEPOSITION: DECEMBER 1, 2016</p> <p>15:51:19 5</p> <p>15:51:19 6 PAGE/LINE CHANGE REASON</p> <p>15:51:19 7 _____</p> <p>15:51:19 8 _____</p> <p>15:51:19 9 _____</p> <p>15:51:19 10 _____</p> <p>15:51:19 11 _____</p> <p>15:51:19 12 _____</p> <p>15:51:19 13 _____</p> <p>15:51:19 14 _____</p> <p>15:51:19 15 _____</p> <p>15:51:19 16 _____</p> <p>15:51:19 17 _____</p> <p>15:51:19 18 _____</p> <p>15:51:19 19 _____</p> <p>15:51:19 20 _____</p> <p>15:51:19 21 _____</p> <p>15:51:19 22 _____</p> <p>15:51:19 23</p> <p>15:51:19 24 I, CYNTHIA FREEMAN, have read the foregoing</p> <p>15:51:19 25 deposition and hereby affix my signature under the</p>


Freeman Cynthia

December 1, 2016

Page 78

15:51:19 1 penalty of perjury that same is true and correct, except  
 15:51:19 2 as noted above.  
 15:51:19 3  
 15:51:19 4 \_\_\_\_\_  
 CYNTHIA FREEMAN  
 15:51:19 5  
 15:51:19 6 THE STATE OF \_\_\_\_\_ )  
 15:51:19 7 COUNTY OF \_\_\_\_\_ )  
 15:51:19 8  
 15:51:19 9 Before me, \_\_\_\_\_, on this day  
 15:51:19 10 personally appeared CYNTHIA FREEMAN, known to me or  
 15:51:19 11 proved to me under oath to be the person whose name is  
 15:51:19 12 subscribed to the foregoing instrument and acknowledged  
 15:51:19 13 to me that he/she executed the same for the purpose and  
 15:51:19 14 consideration therein expressed.  
 15:51:19 15 Given under my hand and seal of office on this  
 15:51:19 16 \_\_\_\_\_ day of \_\_\_\_\_, 2016/2017.  
 15:51:19 17  
 15:51:19 18 \_\_\_\_\_  
 15:51:19 19 NOTARY PUBLIC IN AND FOR  
 15:51:19 20 THE STATE OF  
 15:51:19 21  
 15:51:19 22  
 15:51:19 23 My Commission Expires: \_\_\_\_\_  
 15:51:19 24  
 15:51:19 25

Page 80

15:51:19 1 deposition charged to the Attorney for the Plaintiff.  
 15:51:19 2 That pursuant to the information given to the  
 15:51:19 3 deposition officer, the following includes all parties  
 15:51:19 4 of record and the time used by each party:  
 15:51:19 5 Mr. Visosky (19 mins.)  
 Attorney for the Defendant  
 15:51:19 6 Ms. Fisher (1 hr. 6 mins.)  
 Attorney for the Plaintiff.  
 15:51:19 7  
 15:51:19 8 I further certify that I am neither attorney nor  
 15:51:19 9 counsel for, related to, nor employed by any of the  
 15:51:19 10 parties to the action in which this testimony was taken.  
 15:51:19 11 Further, I am not a relative nor employee for any  
 15:51:19 12 attorney of record in this cause, nor do I have a  
 15:51:19 13 financial interest in this action.  
 15:51:19 14 Subscribed and sworn to on this the 19th day of  
 15:51:19 15 December, 2016.  
 15:51:19 16  
 15:51:19 17  
 15:51:19 18  
 15:51:19 19  
 15:51:19 20  
 15:51:19 21  
  
 BREND A HIGHTOWER SMITH, CSR, RPR, FCRR  
 Texas CSR No. 3107  
 Expiration Date: 12/31/2018  
 15:51:19 22  
 15:51:19 23  
 15:51:19 24  
 15:51:19 25

Page 79

15:51:19 1 IN THE UNITED STATES DISTRICT COURT  
 15:51:19 2 FOR THE EASTERN DISTRICT OF TEXAS  
 15:51:19 3 MARSHALL DIVISION  
 15:51:19 4 KIMBERLY L. COX, )  
 15:51:19 5 )  
 Plaintiff, )  
 15:51:19 6 )  
 vs. ) CIVIL ACTION NO.  
 15:51:19 7 )  
 MEGAN J. BRENNAN, ) 2:14-CV-00810-JRG-RSP  
 15:51:19 8 POSTMASTER GENERAL OF THE )  
 UNITED STATE, U.S. POSTAL )  
 15:51:19 9 SERVICES, )  
 15:51:19 10 )  
 Defendant. )  
 15:51:19 11  
 15:51:19 12 REPORTER'S CERTIFICATE  
 15:51:19 13 ORAL AND VIDEOTAPED DEPOSITION OF CYNTHIA FREEMAN  
 15:51:19 14 DECEMBER 1, 2016  
 15:51:19 15  
 15:51:19 16 I, Brenda Hightower Smith, Certified Shorthand  
 15:51:19 17 Reporter in and for the State of Texas, hereby certify  
 15:51:19 18 that this deposition transcript is a true record of the  
 15:51:19 19 testimony given by the witness named herein, after said  
 15:51:19 20 witness was duly sworn or affirmed by me;  
 15:51:19 21 That the deposition transcript was submitted on the  
 15:51:19 22 \_\_\_\_\_ day of \_\_\_\_\_ 2016, to the  
 15:51:19 23 witness/attorney for examination, signature, and return  
 15:51:19 24 to me by the \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
 15:51:19 25 That \$ \_\_\_\_\_ was the charge for the original

15:51:19 23  
 15:51:19 24  
 15:51:19 25